

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 10, 2003

IN RE:

**COMPLAINT OF AENEAS COMMUNICATIONS
AGAINST CITIZENS COMMUNICATIONS IN
WEAKLEY COUNTY, TENNESSEE**

)
)
) **DOCKET NO.**
) **02-00438**
)

ORDER GRANTING PETITION TO INTERVENE

On January 8, 2003, United Telephone-Southeast, Inc. ("Sprint-United") and Sprint Communications Company, L.P. ("Sprint") (the "Petitioners") filed a *Joint Petition to Intervene* (the "*Joint Petition*") in this matter, which arises from the formal complaint of Aeneas Communications ("Aeneas") against Citizens Communications ("Citizens") of Weakley County, Tennessee. The *Joint Petition* states:

Sprint-United is a Virginia Corporation authorized to conduct business in the state of Tennessee as an incumbent local exchange company (ILEC), furnishes local exchange telephone service and other telecommunications services in the state of Tennessee and is subject to the jurisdiction of the Authority. Sprint is a Delaware partnership authorized to conduct business in the state of Tennessee as an interexchange carrier (IXC) and competitive local exchange company (CLEC), furnishes telecommunications services in the state of Tennessee and is subject to the jurisdiction of the Authority.¹

The *Joint Petition* further states that "the decisions regarding the rights and duties of an ILEC and CLEC with respect to transit traffic which is the subject of this proceeding may

¹ *Joint Petition to Intervene*, January 8, 2003, p. 1.

directly affect [the Petitioners'] legal rights, duties, privileges, immunities or other legal interests.”²

Criteria for Permitting Intervention

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if;

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner’s legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.


Discussion

Upon applying the standards set forth in Tenn. Code Ann. § 4-5-310(a), the Hearing Officer grants the *Joint Petition*. The *Joint Petition* was timely filed and served and substantiates that the legal rights, duties, privileges, immunities or other legal interests of the Petitioners may be determined in this matter. The Hearing Officer further finds that the orderly and prompt conduct of this proceeding will not be impaired by granting the *Joint Petition*. No person has filed an objection to the *Joint Petition*.

² *Id.*, p. 2.

IT IS THEREFORE ORDERED THAT:

United Telephone-Southeast, Inc. and Sprint Communications Company, L.P. are hereby given leave to intervene and receive copies of any notices, orders or other documents herein.



Jonathan N. Wike
Hearing Officer